

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

NETFLIX, INC., §
§
Plaintiff, §
§
v. § MISCE. DOCKET NO. 3:07-MC-0036-K
§
BLOCKBUSTER INC., §
§
Defendant. §

NOTICE OF WITHDRAWAL OF MOTION FOR PROTECTION

TO THE HONORABLE COURT:

Defendant/Counter-Plaintiff Blockbuster Inc. (“Blockbuster”) for itself and on behalf of Bryan Stevenson, Shane Evangelist, Edward Stead, and Richard Frank (collectively, “Blockbuster”) moves to withdraw its Motion for Protection of Blockbuster, Shane Evangelist, Edward Stead, and Richard Frank (“Motion”) to Plaintiff Netflix Inc.’s (“Netflix”) Third Amended Notice of 30(b)(6) Deposition of Blockbuster, Amended Notice of Deposition of Shane Evangelist, Amended Notice of Deposition and Subpoena of Edward Stead, and Amended Notice of Deposition and Subpoena of Richard Frank and would show the Court the following:

On April 11, 2007, Blockbuster filed its Motion for Protection. (Docket #1). On April 15, 2007, the Motion was referred to this Court for determination. (Docket #3). On April 17, 2007, the Court issued an Order stating that the parties shall confer on the matters raised in the Motion by April 23, 2007 and shall file a joint status report concerning the Motion by April 25, 2007. (Docket #5).

The parties have conferred and now agree to have the issues raised in this Motion for Protection resolved by the Court in the district where the underlying case is pending, the United

States District Court for the Northern District of California. *See Netflix, Inc. v. Blockbuster Inc.*, No. C 06-02361 WHA. Accordingly, Blockbuster withdraws its Motion for Protection without prejudice.

Respectfully submitted,

/s/ Michael L. Raiff
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ATTORNEYS FOR MOVANTS

CERTIFICATE OF CONFERENCE

Counsel for Blockbuster has conferred with counsel for Netflix and Netflix agrees with Blockbuster's Motion to Withdraw its Motion for Protection.

/s/ Daniel J. Kelly
Daniel J. Kelly

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been served by the method identified below this 25th day of April, 2007:

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